

granting Novartis's motion for summary judgment of no prosecution laches and no patent misuse.

PLEASE TAKE NOTICE that Novartis relies upon the accompanying memorandum of law, statement of undisputed facts, declaration and exhibits submitted in support of this motion. A proposed order granting Novartis's motion is attached.

Respectfully submitted,

Dated: August 25, 2010

s/ William J. O'Shaughnessy

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of (1) Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment of No Prosecution Laches and No Patent Misuse, (2) Notice of Plaintiff's Motion for Summary Judgment of No Prosecution Laches and No Patent Misuse, (3) Statement of Undisputed Material Facts In Support of Plaintiff's Motion for Summary Judgment of No Prosecution Laches and No Patent Misuse, (4) Declaration of Cheney H. Huang, (5) Declaration of Margaret A. Hallet, and (6) Proposed Order were caused to be served this 25th day of August 2010 upon the following in the manner indicated:

Via ECF, Email and Overnight Mail

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